

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JACK D. ECKISS, II

v.

SHERIFF JIM SKINNER, ET AL.

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CIVIL NO. 4:22-CV-258-SDJ

**MEMORANDUM ADOPTING IN PART AND MODIFYING IN PART
THE REPORT AND RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (the “Report”) in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On October 18, 2023, the Report of the Magistrate Judge, (Dkt. #18), was entered containing proposed findings of fact and recommendations that Defendants’ motions to dismiss, (Dkt. #14, #15), be granted. Specifically, the Magistrate Judge recommended the following: that Plaintiff’s claims against Defendants be dismissed with prejudice; that Plaintiff not be given leave to amend; and that this dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).


Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions contained in the Report should be **ADOPTED in part** and **MODIFIED in part**. The Court adopts the Report entirely with a slight modification to the Report’s discussion implicating the single-incident exception to the deliberate-indifference standard.

The Fifth Circuit has said that a plaintiff may establish deliberate indifference through the “extremely narrow” single-incident exception. *Hutcheson v. Dallas Cnty.*, 994 F.3d 477, 482 (5th Cir. 2021). This exception requires the plaintiff to “prove that the highly predictable consequence of a failure to train would result in the specific injury suffered.” *Id.* And it “is generally reserved for those cases in which the government actor was provided no training whatsoever.” *Id.* at 483. This clarification does not affect the outcome of this case.

It is therefore **ORDERED** that the motions to dismiss, (Dkt. #14, #15), are **GRANTED**. Plaintiff’s claims against Defendants are **DISMISSED with prejudice**.

It is further **ORDERED** that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

So ORDERED and SIGNED this 15th day of March, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE